

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VINCENT CHAMBERS,

Petitioner,

- against -

JAMES T. CONWAY,

Respondent.

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09 Civ. 2175 (JGK)

MEMORANDUM OPINION  
AND ORDER

JOHN G. KOELTL, District Judge:

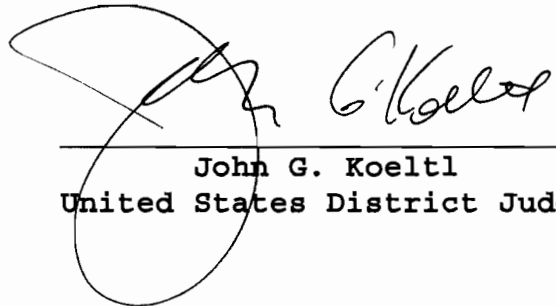
The petitioner has filed a motion for the appointment of counsel. The motion is denied without prejudice. For the Court to request counsel for the petitioner, the petitioner must, as a threshold matter, demonstrate that his claim seems likely to be of substance. See Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986); see also Davidson v. Mann, 129 F.3d 700, 702 (2d Cir. 1997). The petitioner has not shown that his claim is likely to be of substance. Therefore, the application for appointment of counsel (Docket No. 4) is **denied without prejudice**.

The petitioner has also filed a motion for an evidentiary hearing (Docket No. 5). The respondent should respond to that motion by **July 15, 2009**, together with the response to the petitioner for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petitioner may renew his motion for the appointment

of counsel after the respondent has responded to the motion for an evidentiary hearing.

SO ORDERED.

Dated: New York, New York  
June 17, 2009



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John G. Koeltl  
United States District Judge